

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates to:
All Cases

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) MDL No. 1:13-md-2419-FDS
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**JOINDER OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS
TO THE TRUSTEE’S MEMORANDUM OF LAW IN OPPOSITION TO THE
MOTIONS TO ALTER OR AMEND JUDGMENT UNDER RULE 59(e) OR, IN THE
ALTERNATIVE, TO CERTIFY FOR INTERLOCUTORY APPEAL UNDER
28 U.S.C. § 1292(b) FILED BY (1) THE ROANOKE GENTRY LOCKE PLAINTIFFS;
AND (2) THE ROANOKE-AREA LICHTENSTEINFISHWICK INTERVENORS
AND BROWN & JENNINGS INTERVENORS**

The Official Committee of Unsecured Creditors (the “Official Committee”) of New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC” or the “Debtor”) in the above-captioned Chapter 11 case (the “Chapter 11 Case”), by and through its undersigned counsel, hereby (i) joins (the “Joinder”) in the Trustee’s *Memorandum of Law in Opposition to the Motions to Alter or Amend Judgment Under Rule 59(e) or, in the Alternative, to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b) Filed by (1) the Roanoke Gentry Locke Plaintiffs; and (2) the Roanoke-Area LichtensteinFishwick Intervenors and Brown & Jennings Intervenors* (the “Trustee’s Opposition”) [Dkt. No. 284] and (ii) opposes the following:

- a) *Motion to Alter or Amend Judgment Under Rule 59(e)* [Dkt. No. 195];
- b) *Motion to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b)* [Dkt. No. 196];
- c) *Memorandum of Law in Support of Motion to Alter to Amend Judgment Under Rule 59(e) or, in the Alternative, to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b)* [Dkt. No. 197];
- d) *Motion by Roanoke-Area LichtensteinFishwick Intervenors and Brown & Jennings Intervenors that the Court Alter or Amend Judgment Under Fed. R. Civ. P. 59(E)* [Dkt. No. 211];
- e) *Motion by Roanoke-Area LichtensteinFishwick Intervenors and Brown & Jennings Intervenors for Certification for Interlocutory Appeal Under 28 U.S.C. § 1292(b)* [Dkt. No. 212]; and
- f) *Memorandum by Roanoke-Area LichtensteinFishwick Intervenors and Brown & Jennings Intervenors in Support of Motion to Alter or Amend Judgment Under FRCP 59(e) or, in the Alternative, to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b)* [Dkt. No. 213] (collectively, the “Motions”).

JOINDER

The Official Committee supports the Trustee’s Opposition for the reasons stated therein. The Official Committee does not believe that the Motions satisfy the extraordinary criteria required for this Court to grant the Motions and respectfully requests that this Court deny the Motions in all respects for the reasons set forth in the Trustee’s Opposition.

Dated: July 12, 2013
Boston, Massachusetts

BROWN RUDNICK LLP

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Inc.*

CERTIFICATE OF SERVICE

I, Wilfred Lancaster, hereby certify that on July 2, 2013, I caused a copy of the foregoing Joinder Of The Official Committee Of Unsecured Creditors To The Trustee's Memorandum Of Law In Opposition To The Motions To Alter Or Amend Judgment Under Rule 59(E) Or, In The Alternative, To Certify For Interlocutory Appeal Under 28 U.S.C. § 1292(B) Filed by (1) The Roanoke Gentry Locke Plaintiffs; and (2) The Roanoke-Area LichtensteinFishwick Intervenors and Brown & Jennings Intervenors to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, by first class mail, postage prepaid.

Dated: July 12, 2013
New York, New York

/s/ Wilfred Lancaster
Wilfred Lancaster

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